

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA           \*       CRIMINAL NO: 11-204  
VERSUS                               \*       SECTION: "I"  
IVAN KEITH ALFONSO               \*       VIOLATION: 18 U.S.C. § 641

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**FACTUAL BASIS**

The defendant, **IVAN KEITH ALFONSO** (hereinafter referred to as defendant or ALFONSO), has agreed to plead guilty as charged to the single count bill of information charging the defendant with theft of government funds in violation of Title 18, United States Code, Section 641.

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the bill of information now pending against the defendant.

A representative of the United States Department of Housing and Urban Development (HUD) would testify that HUD was a department

and agency of the United States government during 2005, 2006, and 2007 through the present. This person would state, as a result of Hurricane Katrina and the damages caused by flooding in the Southeastern Louisiana area, Congress, with the approval of the President of the United States, appropriated federal money to set up a community development block grant program to be administered by HUD for individuals affected in the Southeastern Louisiana area by flooding caused by Hurricane Katrina. This witness would state Congress appropriated many billions of dollars to help restore damaged homes in Southeastern Louisiana. HUD rules specifically state grant money can only be given to individuals who own their home in this area, the home was damaged by Hurricane Katrina and/or Rita and the home had to be the primary residency of the applicant on the date of the storm. Further, this person would state all monies received were federal funds distributed to the Louisiana State Office of Administration who used as their agent, ICF International, Inc., to distribute funds to applicants who were eligible for the grant.

A representative of the State of Louisiana, Office of Administration would testify that this state office was appointed as an agent for the United States Department of Housing and Urban Development to administer the community development block grant funds under the Louisiana Road Home Program. This state office was

required to follow all rules and regulations of HUD in distributing block grant funds. The Office of Administration contracted with ICF International, Inc. to act as its agent to prepare the Louisiana Road Home Program and distribute the federal block grant funds to eligible applicants. ICF International, Inc. was specifically required to follow all rules and regulations of HUD to distribute community development block grant funds.

The government would submit a copy of a written application from the files of ICF International, Inc., the administrators of the Louisiana Road Home Program for the Office of Community Development, Division of Administration for the State of Louisiana demonstrating that the defendant, **IVAN KEITH ALFONSO**, submitted to the Louisiana Road Home Program an application dated September 13, 2006 to obtain a Louisiana Road Home grant for his damaged primary residency at 3107 Delille Street, Chalmette, Louisiana. In the application, the defendant falsely and fraudulently represented this property was his primary residency on the date Hurricane Katrina hit Southeastern Louisiana, August 29, 2005. This application was given file number O6HH067057.

An employee of the Louisiana Road Home Program would testify that on or about November 14, 2006, she personally reviewed the handwritten application dated September 13, 2006 bearing file number O6HH067057 with the defendant. This individual would state

that she went over each section with the applicant to make sure the applicant understood the questions and the answers written on the application were correct and without error. She would state every application she reviews with an applicant, she specifically inquires and points out the grant can only be given to a person who owns his own home, the home must be his primary residency on the date of the storm, and the primary residency suffered damage from Hurricane Katrina. A review of the defendant's file and his application indicates she specifically reviewed this section with the defendant and he did not change any answer in the application including the one where he certified the damaged property was his primary residency on the date of the storm. Additionally, the witness would state the defendant was required to sign the Louisiana Road Home Applicant Certification in which he certifies all information contained in the application was true and correct and she would have pointed out any false statements were subject to criminal liability.

The government would submit a certified act of sale from the Notarial Archives Office of the City of New Orleans showing the defendant purchased the property at 340 West Robert E. Lee Boulevard in New Orleans, Louisiana on or about February 21, 2003. Documentation from the Orleans Parish Assessor's Office would demonstrate the defendant received a homestead exemption for the

property at 340 West Robert E. Lee Boulevard, New Orleans, Louisiana for the years 2004 and 2005.

The government would submit documentation and a witness from the Federal Emergency Management Agency (FEMA) showing, on or about September 1, 2005, the defendant made an application with FEMA for the purpose of receiving disaster assistance. Documentation would demonstrate the defendant stated his primary residency on August 29, 2005 was 340 West Robert E. Lee Boulevard, New Orleans, Louisiana. As a result of this application, FEMA paid the defendant disaster assistance funds.

The government would submit a certified act of sale from the property records of the St. Bernard Parish Clerk of Court demonstrating the defendant purchased the property at 3107 Delille Street, Chalmette, Louisiana on or about July 15, 2005. This act of sale states his current address was 340 West Robert E. Lee Boulevard, New Orleans, Louisiana, 70124.

K.C. would testify that during 2005, he and the defendant had agreed to enter into a business arrangement where the defendant would take title to the property at 3107 Delille Street, Chalmette, Louisiana and this property would be used as income generating rental property. Further, K.C. would testify he could not have put his name on the title at that time as a result of ongoing marital issues. The agreement was this property would become jointly owned

by them at a later date. Further, K.C. would testify it was always the intent of the defendant and himself this property be income generating as rental property and it never was the primary residency of the defendant on or before August 29, 2005.

Certified documentation from the National Flood Insurance Program would demonstrate, on August 29, 2005, the address at 3107 Delille Street, Chalmette, Louisiana was not covered by any flood policy issued by the National Flood Insurance Program.

Mr. P.C. would testify he and his wife rented the property at 3107 Delille Street, Chalmette, Louisiana in July and August 2005 from the defendant. Further, he will testify at no time did the defendant live in the property during July or August 2005 nor was it the defendant's primary residency during that time period. He will testify, to the best of his knowledge, there was no flood insurance policy on the property at the time Hurricane Katrina hit Southeastern Louisiana on August 29, 2005. Further, he will state he and his wife applied for FEMA disaster assistance funds and declared this address was their primary residency at the time of Hurricane Katrina.

Individuals from the Louisiana Road Home Program and First American Title Company would testify on or about October 27, 2007 in the Eastern District of Louisiana, the defendant attended a closing of his Louisiana Road Home Program grant application. They

would testify they specifically and individually reviewed with the defendant the requirement that Louisiana Road Home grant funds would only be given to individuals whose homes were damaged by Hurricane Katrina on August 29, 2005 and the property had to be the applicant's primary residency on that day. In connection therewith, the defendant was required to sign a witnessed, notarized affidavit attesting to the truth of the statements in his application as well as in the closing documents. In this affidavit, the defendant declared the property at 3107 Delille Street, Chalmette, Louisiana was his primary residency on the date of Hurricane Katrina. Additionally, the defendant signed a Louisiana Road Home Program benefit selection form choosing option one which indicated the property was his primary residency on the date of Hurricane Katrina and he intended to stay in the home and rebuild it so he could receive the maximum benefits available. As a result of these materially false and fraudulent misrepresentations, the Louisiana Road Home Program gave to the defendant the sum of \$123,437.41.

On or about November 5, 2007, First American Title Company wire transferred approximately \$98,870.00 to the Small Business Administration to repay a disaster assistance loan on 3107 Delille Street, Chalmette, Louisiana that had been borrowed to rebuild the house. Additionally, on November 7, 2007, First American Title

Company mailed a check to the defendant in the amount of \$24,502.68 for the net proceeds of his Louisiana Home Road Home Program grant funds. This check was mailed to an address in Metairie, Louisiana.

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MARVIN OPOTOWSKY	Date
Assistant United States Attorney	
LA Bar Roll No. 10221	

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IVAN KEITH ALFONSO	Date
Defendant	

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SERVANDO C. GARCIA, III	Date
Counsel for Defendant	
LA Bar Roll No. 5922	